

Applicant: Kenneth W. Whitley
Application No.: 10/666,357
Filing Date: September 19, 2003
Docket No.: P-5655/1 (102-478)
Page 5

REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-7, 9-16 and 18-20 are in the application. Through this amendment, claims 8 and 17 have been incorporated into claim 1 and, accordingly, claims 8 and 17 have been canceled. In addition, claims 9-13 have been amended to change their dependencies.

In the Official Action, the claims were rejected on various grounds based on various references. Claims 8 and 17, however, were only rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith et al. (U.S. Patent No. 4,912,048) in view of Keilman et al. (U.S. Patent No. 4,717,668). Since claims 8 and 17 have been incorporated into claim 1, it is respectfully submitted that all other rejections have been overcome. This response will specifically deal with the Smith et al./Keilman et al. rejection in the context of claim 1.

Smith et al. is directed to a fluted culture vessel. Several embodiments of the vessel are disclosed, including the embodiment shown in Figs. 3 and 4, which was relied upon by the Examiner in the Office Action. In this embodiment, the vessel includes a body portion 46 having a body wall 56 which defines V-shaped grooves or channels 58. In addition, upper and lower collars 66 and 68 may be provided which encircle the body wall 56. As stated at col. 4, ll. 14-19, "Collars 66, 68 can be constructed of any suitable material such as rubber, plastic, or any other elastic or pliable material. Although collars 66, 68 may be affixed to vessel 40, they are preferably removable from the vessel's surface so that they can be used or removed at the user's option." It is clear that the collars 66, 68 are not integrally formed with the vessel.

Applicant: Kenneth W. Whitley
Application No.: 10/666,357
Filing Date: September 19, 2003
Docket No.: P-5655/1 (102-478)
Page 6

Keilman et al. is directed to a plastic roller bottle which includes a closed body 12 having a plurality of spaced reinforcement rings 26. As shown in Fig. 2, the rings are actually protruding portions of the body 12.

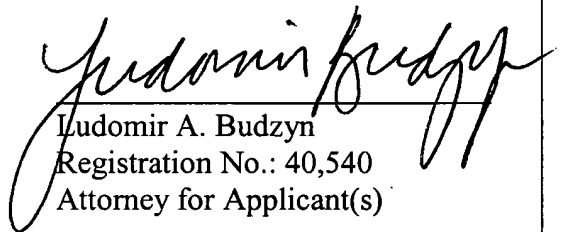
Amended claim 1 is directed to a container for cell growth which includes "a plurality of longitudinally axial extending pleats" with "each said pleat including a first side wall extending between a first end point and a first apex; and a second side wall extending between a second end point and said first apex, said first apex being located radially further from a longitudinal center of said container than said first and second end points"; and "at least one circumferential rib integrally formed with said cylindrical wall" wherein "said rib includes an outer wall extending radially outwardly from said pleats, said rib outer wall being flush with outermost portions of said first apices of said pleats such that said rib outer wall does not protrude radially outwardly from said first apices." In contrast, the collars 66, 68 of Smith et al. are wholly located radially outwardly of the body wall 56. With any hypothetical combination of Smith et al. and Keilman et al., there is no disclosure or suggestion to avoid having portions of the collars 66, 68 protrude radially outwardly from the body wall 56. Moreover, as indicated above, collars 66, 68 are disclosed in Smith et al. as being separate elements from the body wall 56 particularly to achieve removability of the collars 66, 68. Accordingly, there is no disclosure or suggestion to form the collars 66, 68 to be made flush with the apices of the pleats with no portions of the collars 66, 68 protruding radially outwardly. Keilman et al. does not disclose a pleated structure and, thus, does not overcome these deficiencies. It is respectfully submitted that claim 1, along with depending claims 2-7,

Applicant: Kenneth W. Whitley
Application No.: 10/666,357
Filing Date: September 19, 2003
Docket No.: P-5655/1 (102-478)
Page 7

9-16 and 18-20, are patentable over Smith et al. and Keilman et al., each taken alone or in combination.

Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicant's attorney at the number listed below.

Respectfully submitted,


Ludomir A. Budzyn
Registration No.: 40,540
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700